

EXECUTIVE ORDER NO. _____, SERIES 2007

**AN EXECUTIVE ORDER ESTABLISHING A NAMING AND
MARKETING PARTNERSHIP POLICY FOR METRO
GOVERNMENT.**

**BE IT PROMULGATED BY EXECUTIVE ORDER OF THE HONORABLE JERRY E.
ABRAMSON, MAYOR OF THE LOUISVILLE/JEFFERSON COUNTY METRO
GOVERNMENT AS FOLLOWS:**

SECTION 1. The Naming and Marketing Partnership Policy, attached hereto and made a part hereof, is officially approved and adopted.

SECTION 2. This Executive Order shall take effect 60 days after the date of its signing.

Signed this _____ day of _____, 2007, by Jerry E. Abramson, Mayor of
Louisville/Jefferson County Metro Government.

JERRY E. ABRAMSON, MAYOR

APPROVED AS TO FORM AND LEGALITY:

Irv Maze

Jefferson County Attorney

BY: _____

**LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
NAMING
AND
MARKETING PARTNERSHIP
POLICY**

PURPOSE: Louisville Metro's goal is to offer first rate facilities and services for the city and its residents. To achieve its goal, Louisville Metro engages with the community in municipal naming and marketing partnerships that enhance financial resources for Louisville Metro. This policy establishes the responsibilities, principles and procedures for naming property, improvements and betterments and for securing marketing partnerships.

SECTION I: NAMING POLICY

§1. Reasons for Policy

- A. To enhance the ability of Departments to increase financial support for Louisville Metro service and facilities.
- B. To encourage public confidence in government and its assets.
- C. To have a consistent process to name Louisville Metro Property that incorporates the goals of Louisville Metro, its departments, agencies and the community in the selection and approval of naming of Louisville Metro property.

§2. Responsibilities

- A. The mayor determines overall coordination of this policy.
- B. Departments implement this policy.
- C. Affiliated Organizations shall be guided by this policy in articles of incorporation, bylaws, Fiscal Agency Agreements or Memorandums of Understanding between Louisville Metro and/or the Department.

§3. Definitions

- A. **Louisville Metro** means Louisville/Jefferson County Metro Government or any agency, department, board or commission of Louisville Metro.
- B. **Affiliated Organization** means organizations defined as non-profit by the IRS Code that have committed to support Louisville Metro services and departments.
- C. **Major Financial Contributor** or a **Major Contribution** means that person has contributed a significant portion of the total capital or operating cost or appraised value of the Property or Improvement to the Property as defined by departmental Guidelines.
- D. **Person** means any individual, partnership, association, organization, company, firm, business, corporation, or private or corporate foundation.
- E. **Property** includes any property owned by Louisville Metro, including but not limited to facilities, buildings, parks or open spaces, regardless of what entity manages or controls the property. A Property does not include an improvement or betterment.
- F. **Improvement** includes a physical component of a Property owned by Louisville Metro, regardless of what entity manages or controls the Property. Examples are a playground, gallery, garden or room.
- G. **Betterment** means a less substantial Improvement of a Property. Examples are: commemorative marker, drinking fountain, bike rack. A Betterment is not covered by this Policy unless the provision that applies specifically states a Betterment.

- H. **Donation** means something of value, tangible or intangible, given to Louisville Metro by individuals, businesses or corporations without the expectation of recognition or compensation in exchange. Donations are not a part of this Policy. Donations are covered under LMCO §20.15 and the Donation Policy of the Finance Department.
- I. **Naming Opportunities List** means a list of existing or proposed Properties, Improvements, or Betterments eligible to be named.

§4. Naming Policy Principles

- A. No Property, Improvement or Betterment, including existing or proposed, will be named unless it is on the Department's Naming Opportunities List that has been developed by the Department and approved by the Mayor's Office.
- B. Property shall be named as soon as possible after acquisition or development to avoid the use of a temporary designation, which may become difficult to discontinue.
- C. An existing named Property maintaining the same original function shall not be renamed unless as prescribed under this Policy. If an existing Property is renamed, its original name should be considered but is not required to be part of the new naming.
- D. Generally a Property or Improvement will be named to reflect its location and primary function. Property or an Improvement shall be named for:
 - 1. A distinct location, geographic or environmental feature;
 - 2. A neighborhood, community, or an access street;
 - 3. A name of historical significance to the Property;
 - 4. An individual with an outstanding national or international reputation, even if the person was not directly associated with the Property in question.
- E. A Property or Improvement may be named to reflect the generosity of a major financial contributor or a major contribution by others in honor of an individual.
- F. A Property or an Improvement may be named to reflect the name of a person who has demonstrated outstanding service or accomplishment for the community and who has had an extensive and continuing association with the Department involved.
- G. A Property or an Improvement shall not be named:
 - 1. On the basis of prior ownership as the only criterion;
 - 2. For a public official while that official remains in office; or
 - 3. Generally for a commercial enterprise.
- H. Using the same name on more than one Property or Improvement that would be confusing is not recommended.
- I. The naming of a Louisville Metro Property, Improvement, or Betterment shall be consistent with all governing laws and regulations pertaining to such action, including concurrence with the regulation of other governmental agencies and written department Guidelines.
- J. The naming of an entire Property does not preclude the naming of any Improvement or Betterment that is part of the Property for other benefactors.
- K. This policy does not cover donations, which are covered by LMCO 20.15 and the Finance Donations Policy, or street name changes, which are covered by the Land Development Code in Chapter 6, Part 3.
- L. A Property will not ordinarily be named for an individual until a minimum of three (3) years after the individual's death.

§5. Department Naming Rights Guidelines

- A. Each department that may have a naming opportunity shall develop written Guidelines on naming Property, Improvements and Betterment that meet the requirements of this policy and are approved by the Mayor's Office.
- B. Each Department must obtain the approval of the Mayor's Office:
 - 1. For its Naming Opportunities Lists, and
 - 2. For naming opportunities involving Property, an Improvement, or a Betterment as part of a major capital campaign, prior to the campaign onset.
- C. The Guidelines must include the following criteria as appropriate for naming a Property, Improvement or Betterment:
 - 1. Identification of boards, commissions or committees, if any, that will be used to evaluate a proposed naming;
 - 2. If a public hearing is required as established by LMCO 39.033, how it will be conducted;
 - 3. Any Department preference in naming a Property or Improvement, such as consistency with an existing or proposed scheme of naming Property in the Department, for example the historical naming of park property after Native American tribes;
 - 4. A process for obtaining a background investigation to ensure the good character of any person for whom a Property or Improvement will be named;
 - 5. The requirement of a written agreement for the naming of a Property or Improvement ;
 - 6. An outline of bidding processes that may be used, if in the judgment of the Department Director, a bidding process will maximize the benefit to the Department;
 - 7. Evaluation of capital, operating and maintenance costs associated with the named Property, Improvement or Betterment over and above the naming activity itself.

§6. Naming Policy Agreements

- A. Naming Policy Agreements shall include contractual language consistent with all applicable Louisville Metro policies and ordinances and good business practices. In general, Naming Policy Agreements shall include:
 - 1. A plan that addresses capital, operating and/or maintenance costs associated with the Property or Improvement.
 - 2. Definition of contractual relationship.
 - 3. Description of Property, Improvement, and/or Betterment
 - 4. Naming rights fees and/or commissions.
 - 5. In-kind goods and services.
 - 6. Naming rights and benefits.
 - 7. Term of effectiveness (i.e. begin and end dates).
 - 8. Renewal provision, if any.
 - 9. Termination provision.

§7. Naming Policy Procedure for a Property under LMCO 39.033

- A. Naming recommendations for a Property on the Naming Opportunities List may come from the community, a major financial contributor, or Louisville Metro Government. All requests shall be submitted in writing to the Director of Facilities Management, or designee. For the purposes of this policy, the Director of Facilities Management designates the Department that has the majority use of space in the Property as his designee. If no Department occupies the majority of space in the Property, the request shall be submitted in writing to Facilities Management, which shall perform all functions assigned to a Department.
- B. In accordance with LMCO 39.033, the Director of Facilities Management, or designee, shall provide an application to propose the naming of a Property.
- C. Upon receipt of an application to name a Property, the Director of the Department shall:
 - 1. Advise the Mayor's Office and such notice shall include whether the proposed naming is in keeping with the Department's Guidelines; and
 - 2. If Facilities Management is responsible, it will also notify in writing any other Department located in the Property.
 - 3. Provide notice to any board, commission or committee identified in the Department's Guidelines as required by Section I. 5.C.1.
 - 4. Receive public comment for 90 days regarding the application. A public hearing will be conducted on the application within 90 days after the public comment period but upon at least 30 days notice published twice on successive days in the newspaper of largest circulation in Louisville/Jefferson County; and
- D. The Department will notify the community in which the Property is located by posting the proposed naming at the Property, on the Department website, and such other methods of notice as may be determined in the Department's Guidelines. Such notice shall include the proposed name, how comments may be submitted to the Department for consideration, and when a public hearing will be conducted.
- E. The Mayor's Office shall forward a naming recommendation to the Council. The recommendation shall include a summary of information provided at the public hearing or by any board, commission or committee that reviewed the proposed naming. Pursuant to LMCO 39.033, the Council must approve an application for a naming by a majority vote.
- F. The Department shall provide appropriate recognition in or on the Property listing the approved name of the Property.

§8. Naming Policy Procedure for an Improvement or Betterment

- A. Naming recommendations may come from Louisville Metro Government, the community or a major financial contributor. Improvements or Betterment subject to naming must be included in the Department's Naming Opportunities List and any capital campaign that has been approved by the Mayor's Office. All requests shall be submitted in writing to the Department that has the majority use of space in the Property, Improvement or Betterment area, or to Facilities Management as previously described.
- B. The Department will review the requests in keeping with its Guidelines.

- C. If approved, the Department shall provide appropriate naming recognition in or on the Improvement or Betterment.

SECTION II: MARKETING PARTNERSHIP POLICY

§1. Reasons for Policy

- A. To enhance existing community assets, events, projects, programs and activities.
- B. To recognize existing and potential private sector partners who embrace a quality civic environment.
- C. To ensure flexible and beneficial relationships with private sector partners, Louisville Metro, its departments, and affiliated organizations that are deemed non-profits by the IRS Code (501)(c).

§2. Definitions

- A. **Person** means any individual, partnership, association, organization, company, firm, business, corporation, or private or corporate foundation.
- B. **Marketing Partnership** means a mutually beneficial arrangement between Louisville Metro and a Person that provides funds or in-kind products or services to Louisville Metro and/or one of its Departments in return for access to the commercial marketing potential associated with Louisville Metro. Marketing Partnerships may include sponsorship or naming of one or more of Louisville Metro's programs, projects, events, activities, or a Property, Improvement or Betterment as defined in Section I.3.

§3. General Principles

- A. Marketing Partnerships shall be developed consistent with all applicable policies and ordinances set by Louisville Metro, including the Model Procurement Code. They shall take into consideration the desirability of the association with the Person as well as compatibility with the Department's mission and the Person's brand, products, services, customers and promotional goals.
- B. Marketing Partnerships shall avoid the appearance of overtly creating endorsements for the Person's products or services.
- C. Recognition for marketing partners shall be mutually agreed upon by the Department and the Person and shall be provided in a manner that is tasteful and appropriate for the project and consistent with the positive image all parties wish to project.
- D. This policy is not applicable to gifts, grants or unsolicited donations in which no benefits are granted to the Person and where no business relationship exists.
- E. Marketing Partnerships that include additional marketing benefits with the naming of a Property or Improvement, or Betterment shall adhere to these General Principles in addition to applicable provisions to a Property, Improvement or Betterment in Section I: Naming Policy.

§4. Department Marketing Partnership Guidelines

- A. Each Department that may have a Marketing Partnership opportunity shall develop written Guidelines that meet the requirements of this policy and are approved by the Mayor's Office.

- B. The Guidelines must include the following criteria as appropriate for a Marketing Partnership:
1. Identification of persons who will evaluate a proposed Marketing Partnership;
 2. The requirement of a written agreement;
 3. An outline of bidding processes that may be used, if in the judgment of the Department Director, a bidding process will maximize the benefit to the Department.

§5. Marketing Partnership Agreements

- A. Marketing Partnership Agreements shall include contractual language consistent with all applicable Louisville Metro policies and ordinances and good business practices. In general, Marketing Partnership Agreements shall include:
1. Definition of contractual relationship
 2. Description of project, program, activity, Property, Improvement or Betterment
 3. Marketing rights fees and/or commissions
 4. In-kind goods and services
 5. Marketing rights and benefits
 6. Term of effectiveness (i.e. begin and end dates)
 7. Renewal provision
 8. Termination provision
- B. Each Department shall report the following information to the Mayor's Office on Marketing Partnerships, if any, on a quarterly basis:
1. Name of Marketing Partner
 2. Brief description of the nature of the Marketing Partnership
 3. Duration of the Marketing Partnership
 4. Value of the Marketing Partnership

§6. Marketing Partnership Process and Responsibilities

- A. Persons interested in Marketing Partnerships with Louisville Metro shall contact the management of the appropriate Louisville Metro Department that oversees the marketing assets.
- B. Any Louisville Metro Department whose marketing assets are sought for inclusion in a Marketing Partnership shall be involved in the development and approval of the Marketing Partnership.
- C. Affiliated Organizations as defined by the IRS Code may also enter into independent Marketing Partnerships under the guidance of the Department and the Affiliated Organization's policies and procedures.